

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2013 FEB 26 AM 10:44

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____
DEPUTY

SCOTT GAGNON,

PLAINTIFF,

V.

HYATT CORPORATION,

DEFENDANT.

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CIVIL NO. A-11-CV-920-LY

**ORDER ON REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the court is the above styled and numbered cause. By Order rendered November 19, 2012, the court referred Defendant Hyatt Corporation's Motion For Summary Judgment filed November 1, 2012 (Clerk's Document No. 26) to the United States Magistrate Judge for a report and recommendation (Clerk's Document No. 31). *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72, Loc. R. W.D. Tex. Appx. C, R. 1(c). After considering Hyatt's motion, as well as Plaintiff Scott Gagnon's Response to Defendant's Motion for Summary Judgment, filed November 13, 2012 (Clerk's Document No. 27); Gagnon's Notice of Filing of Evidence in Support of Plaintiff's Response to Defendant's Motion for Summary Judgment, filed November 14, 2012 (Clerk's Document No. 30); Hyatt's Reply to Plaintiff's Response to Defendant's Motion for Summary Judgment, filed November 26, 2012 (Clerk's Document No. 33); Gagnon's Supplemental Response to Defendant's Motion for Summary Judgment, filed January 9, 2013 (Clerk's Document No. 40); and Hyatt's Reply to Plaintiff's Supplemental Response to Defendant's Motion for Summary Judgment, filed January 28, 2013 (Clerk's Document No. 45), by Report and Recommendation of the United States Magistrate Judge, signed February 1, 2013, the magistrate judge, recommends that this court grant Hyatt's motion for summary judgment as to all of Gagnon's claims for relief (Clerk's

Document No. 46). The parties received the report and recommendation on February 1, 2013. Objections if any, were due to be filed on February 15, 2013. Gagnon filed Plaintiff's Objections To The United States Magistrate's Judge's Report and Recommendation on February 15, 2013 (Clerk's Document No. 47). In light of the objections, the court has undertaken a *de novo* review of the entire case file. *See* Fed. R. Civ. P. 72.

Having considered the objections and the entire case file, the court concludes that the findings and conclusions of the magistrate judge are proper and for the reasons stated therein, the court will approve and accept the report and recommendation.

IT IS ORDERED that the Gagnon's Plaintiff's Objections To the Magistrate Judge's Report and Recommendation filed on February 15, 2013 (Clerk's Document No. 47) are **OVERRULED**.

IT IS FURTHER ORDERED that the United States Magistrate Judge's Report and Recommendation (Clerk's Document No. 46) filed in this action is hereby **APPROVED AND ACCEPTED**.

IT IS FURTHER ORDERED that Defendant Hyatt Corporation's Motion For Summary Judgment filed November 1, 2012 (Clerk's Document No. 26) is **GRANTED**.

As nothing remains for resolution in this action, the court will render a separate Final Judgment.

SIGNED this 26th day of February, 2013.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE